



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

well-being of the community by setting a limit to the exploitation of the improvident, unworkmanlike, unorganized women, who are yet the mothers, actual or prospective, of the coming generation. The effectiveness with which this power of control is assumed and exercised is one standard by which the community must judge itself and be judged of others.<sup>4</sup>

And that such a test may be applied intelligently to the different sections of the United States an analysis of the laws now in force in the different states is presented. This analysis is based upon the *Tenth Special Report of the Commissioner of Labor* (1904), supplemented by reference to such legislation as was enacted by the various state legislatures during the past two winters. It is therefore a summary of laws relating to the employment of women now in force in the United States.

S. P. BRECKINRIDGE.

UNIVERSITY OF CHICAGO.

## STATUTORY REGULATION OF WOMEN'S EMPLOYMENT—CODIFICATION OF STATUTES

TABLE A. STATUTES PROHIBITING THE EMPLOYMENT OF WOMEN

### I. In mines, smelteries and collieries.

#### 1. States prohibiting the employment of women,

- a) In mines: Alabama (*Code of 1897*, chap. 78, § 2933); Arkansas (*Digest of 1894*, chap. 109, § 5051); Colorado (*Mill's Annot. Stat.*, chap. 85, § 3185); Illinois (*Coal Mine Reg.*, Act of 1899, § 22); Indiana (*Rev. Stat. 1901*, chap. 81, § 7480); Maryland (*Acts of 1902*, chap. 124, § 209); Missouri (*Rev. Stat. 1890*, chap. 133, § 8811); Pennsylvania (*Brightly's Digest*, 1895, p. 979, § 3); Utah (*Rev. Stat. 1899*, title 36, § 1338); Washington (*Mine Reg.*, title 18, § 3172); West Virginia (*Code of 1899*, Mine Reg., § 13); Wyoming (*Constitution*, Art. 9, § 3).
- b) In or about mines: Alabama (*supra*); Illinois (*supra*).
- c) In mines and smelters: Utah (*supra*).
- d) In coal, iron, or other dangerous mines: Wyoming (*supra*).

<sup>4</sup>For laws on this subject in force in other countries than the United States see *Report of the Industrial Commission XVI*, pp. 23, 36, 52.

2. States which forbid women,
  - a) To enter mines for the purpose of working therein: Arkansas (*supra*); Maryland (*supra*); Missouri (*supra*); Washington (*supra*).
  - b) To work in mines: Colorado (*supra*); Indiana (*supra*); West Virginia (*supra*).

## II. In bar-rooms, concert halls, etc.

1. The following states and territories prohibit the employment of women in selling or handling intoxicating drinks, or working in places where they are handled or sold.

Alaska: Women are forbidden to dispense intoxicating liquors. *Acts of Congress 1898-99*, chap. 429, title 2.

Iowa: Employment of females prohibited in all places where intoxicants are sold. *Code of 1897 and Supp. of 1902*, § 2448.

Louisiana: Employment of females prohibited in selling, distributing, or taking orders for intoxicants in saloons or concert halls. *Act of 1894*, No. 43, § 1.

Maryland: Unlawful to employ females in theaters, museums, or other places of amusement for the purpose of selling, serving, receiving orders, or paying for spirituous, malt liquors, wines, lager-beer, or any other refreshments, or merchandise. This law applies to Baltimore only. *Code of 1903*, art. 27, § 371.

Michigan: Females are forbidden to act as bar-keepers or to serve liquors, to furnish music, or to dance in a saloon, or bar-room where intoxicants are sold. Exception is made to a member of the family. *Compiled Laws of 1897*, chap. 137, § 5361.

Missouri: No female may be employed as a servant bartender, waiter, dancer, or singer in a dramshop or place where spirituous liquors are sold. Exception is made to a member of the family. *Rev. Stat. 1890*, chap. 15, § 2185.

New Hampshire: Unlawful to permit any girl or woman to serve or sell any liquor on the premises where [liquor is sold]. *Acts of 1903*, chap. 95, § 17.

New York: Law similar to that of New Hampshire, but that member of family is excepted. *Acts of 1903*, § 486.

Vermont: Women may not be employed on premises, or in rooms in which a liquor license is operated. An exception

is made in case of hotels, common victualers, and drug-stores. *Stat. of 1894*, Act No. 90, § 24.

Washington: Employment of women prohibited in all places where intoxicants are sold. *General Statutes*, title 39, § 7258.

### III. In operating and cleaning dangerous machinery.

- I. States which prohibit the employment of women in operating, or cleaning certain machinery, or from being employed where certain machinery is used.

Connecticut: No machinery other than steam engines in a factory shall be cleaned while running after notice forbidding the same is given by the inspector to the owners or operators of the factory. *Statutes of 1902*, chap. 250, § 4515.

Missouri: No minor or woman shall be required to clean any part of the mill, gearing, or machinery in any such establishment in this state, while the same is in motion, or work between the fixed or traversing parts of any machine, while it is in motion by the action of steam, water, or other mechanical power. *Rev. Stat. of 1890*, chap. 91, § 6434.

New Jersey: The statute is almost identical with that of Missouri. *Gen. Statutes 1895*, p. 2345, § 30.

West Virginia: No minor or female of any age shall be permitted to clean any of the mill gearing or machinery [in all manufacturing, mechanical and other establishments] while the same is in motion. *Rev. Stat. 1901*; chap. 19, § 1.

New York: No male child under eighteen years of age nor any female shall be employed in any factory in this state in operating or using any emery, tripoli, rouge, corundum, stone, carborundum, or any abrasive, or emery polishing or buffing wheel, where articles of baser metals or of iridium are manufactured. As amended by chap. 561, *Acts of 1903*, § 92.

#### TABLE B. STATUTES REGULATING THE WORKING TIME OF WOMEN

##### I. Hours of labor limited.<sup>1</sup>

- I. States in which the hours of labor of females are limited,

<sup>1</sup> In nearly all the states the provisions which relate to women also apply to children.

- a) In factories, workshops, mechanical and mercantile establishments: Colorado (to 8 hours a day. *Acts of 1903*, chap. 138, § 3); Massachusetts (to 10 hours per day or 58 per week. *Acts of 1904*, chap. 397, § 23); Connecticut (to 10 hours per day or 60 per week. *General Stat.*, chap. 273, § 4691); Nebraska (to 10 hours per day or 60 per week. *Comp. Stat. of 1901*, chap 23, § 6942a); Washington (to 10 hours per day. *Acts of 1901*, chap. 68, § 1); Pennsylvania (to 12 hours per day, or 60 per week. *Brightly's Digest*, 1893-1903, p. 62, § 13); Michigan (to 10 hours per day or 60 a week. Act applies only to females under twenty-one years of age. *Acts of 1901*, Act No. 113, § 1).
  - b) In factories and mercantile establishments: New York (to 10 hours per day or 60 hours per week, for all females in factories and for females sixteen to twenty-one years of age in mercantile establishments. Exceptions are made in case of mercantile establishments from December 15 to January 1. *Rev. Stat. 1901*, § 161); Colorado (to 8 hours per day in factories, stores, and other places where the nature of the work requires them to stand. *Acts of 1893*, chap. 113, § 1).
  - c) In factories, workshops, and mercantile establishments: New Jersey (to 10 hours per day or 55 per week. *Gen. Stat. 1895*, §§ 66, 67); Rhode Island (to 10 per day or 58 per week. *General Laws 1896*, chap. 198, § 22); Louisiana (to 10 per day or 60 per week. *Acts of 1902*, Act No. 49, § 41); Maine (to 10 per day or 60 per week. *Rev. Stat. 1903*, chap. 40, § 48); New Hampshire (to 10 per day or 60 per week. *Pub. Stat. 1891*, chap. 180, § 14); Oregon (to 10 per day. *Acts of 1903*, § 1); Virginia (to 10 per day. *Acts of 1889-90*, chap. 193, § 1); Maine (to 10 hours per day. But women eighteen years of age and over may work longer than 10 hours per day, but not to exceed 6 hours in one week, or 60 in any one year. *Rev. Stat. 1903*, chap. 40, § 49); Maryland (to 10 hours per day in establishments manufacturing cotton and woollen goods. *Code 1903*, art. 100, § 1).
2. States in which female employees may voluntarily work overtime, but cannot be compelled to do so by the employer.

North Dakota: The hours during which women may voluntarily work is unlimited, but they cannot be compelled to work in manufacturing and mercantile establishments over 10 hours per day. *Penal Code*, chap 71, § 7666.

South Dakota: Provisions similar to North Dakota. *Penal Code*, § 764.

Oklahoma: Provisions similar to North Dakota. *Stat. of 1893*, chap. 25, § 2550.

Wisconsin: Provisions similar to above three states excepting that 8 hours constitute a day's work in place of 10. *Annot. Stat. of 1898*, chap. 83, § 1728.

3. In a number of the above states the laws also prescribe that where women are employed,
  - a) Schedules must be posted showing the hours during which work is permitted: Connecticut (*Gen. Stat. 1902*, chap. 273, § 4691); Maine (*Rev. Stat. 1903*, chap 40, § 49); Massachusetts (*Rev. Laws 1902*, chap. 106, § 24); Nebraska (*Comp. Stat. 1901*, chap. 23, § 6942a); New Hampshire (*Pub. Stat. 1891*, chap. 180, § 14); Rhode Island (*Gen. Laws 1896*, chap. 198, § 22).
  - b) That longer hours than those prescribed may occasionally be worked per day, in order to make up for time lost on account of repairs or to allow for a shorter day at the end of the week; but in such cases the total time worked shall not exceed that prescribed for the week's work: Connecticut (*supra*); Maine (*supra*); Massachusetts (*Rev. Laws 1902*, § 69. But see Table D. III. of this schedule); Michigan (*Acts of 1901*, Act No. 113, § 1. Act applies only to females under 21 years of age); New Hampshire (*supra*); New York (*Rev. Stat. 1901*, § 161); Rhode Island (*supra*).

## II. Night work.

Indiana: The employment of females in factories before 6 A. M. or after 10 P. M. is prohibited. *Rev. Stat. of 1901*, chap. 81, § 7087.

Massachusetts: Similar to that of Indiana. *Rev. Stat. 1902*, chap. 106, § 28.

Nebraska: Females may not be employed before 6 A. M. or after 10 P. M. in any manufacturing, mechanical, mercantile

establishment, hotel or restaurant. *Rev. Stat. of 1901*, chap. 23, § 6942a.

New York: Females may not be employed in factories before 6 A. M. or after 9 P. M., and those sixteen to twenty-one years of age may not be employed in mercantile establishments before 7 A. M. or after 10 P. M., except Saturdays, and from December 15 to January 1. *Rev. Stat. of 1901*, § 161.

New Jersey: The period of employment of females in manufacturing establishments shall be from 7 A. M. to 12 M., and from 1 to 6 P. M. every working day except Saturday, when it shall be from 7 A. M. to noon; an exception being made in case of persons engaged in preserving perishable goods in canning fruit, and in glass works. *Gen. Stat. 1895*, §§ 66, 67.

### III. Time for meals.

Indiana: Not less than 60 minutes shall be allowed for noon-day meal in factories and workshops. The chief inspector shall have the power to issue permits in special cases allowing shorter meal time at noon, where sufficient reasons can be shown. This act applies to male and females generally. *Stat. 1901*, chap. 81, § 7087k.

Louisiana: (a) Women in factories, workhouse, workshop, telephone or telegraph office, clothing, dressmaking or millinery, or where any goods are manufactured shall be allowed at least one hour for dinner. As amended by Act 49, *Acts of 1902*, § 4. (b) Retail establishments where female labor or female clerks are employed shall be required to give every employee each day between the hours of 10 A. M. and 3 P. M., not less than 30 minutes for lunch and recreation. *Acts of 1900*, Act No. 55, § 2. By an act approved July, 1904, this provision was extended to all clerks in retail establishments in cities of more than 50,000 inhabitants, the time in such cases being lengthened to one hour. *Acts of 1904*, No. 195, § 1.

Massachusetts: Women and young persons, five or more in number, who are employed in the same factory shall be allowed their meal time at the same hour. . . . No such person shall be employed during the regular meal hour in tending the machine or doing the work of any other women or young persons in addition to their own. *Rev. Laws 1902*, chap. 106, § 36.

Michigan: Not less than 45 minutes shall be allowed for noon-day meal in any manufacturing establishment in this state.

Factory inspector may shorten time in particular instances when good cause is shown. *Acts of 1901*, Act. No. 113, § 11.

Pennsylvania: Provision similar to Michigan. *Brightly's Digest*, 1893-1903, p. 254, § 11.

New York: Not less than 45 minutes shall be allowed women and children in mercantile establishments for noon-day meals.

*Rev. Stat. 1901*, chap. 255, § 161.

TABLE C. STATUTES REQUIRING CERTAIN EQUIPMENTS IN FACTORIES, WORKSHOPS, ETC., WHERE WOMEN ARE EMPLOYED

I. Seats for rest when not at work.

1. States which require that seats shall be provided for female employees when not necessarily engaged in their duties,

a) In factories, workshops, and mercantile establishments:

California (one-third as many seats as employees. *Act of February, 1889*, § 5); Colorado (*Mill's Annot. Stat.*, chap. 101, § 3604); Connecticut (*General Stat.*, chap. 273, § 4703); Delaware (*Revised Code 1853*, Ed. of 1893, chap. 127, § 1); District of Columbia (*Acts of 1894-95*, chap. 192, § 1); *Georgia Penal Code*, Div. 4, § 127); Indiana (*Annot. Stat. 1894, Rev. 1901*, chap. 5, § 2246); Iowa (*Code of 1897, Supp. 1902*, § 4999); Louisiana (as amended by *Act No. 49 [1902]*, § 5); Massachusetts (*Rev. Stat. of 1902*, chap. 106, § 41); Michigan (*Laws of 1897*, chap. 137, § 5373); Minnesota (*Gen. Stat. 1894*, chap. 24, § 2244); Missouri (*Rev. Stat. 1890*, chap. 15, § 1858); Nebraska (*Rev. Stat. of 1901*, chap. 23, § 6942c); New Hampshire (*Acts of 1895*, chap. 16, § 1); New Jersey (*Gen. Stat. 1895*, § 217); New York (*Rev. Stat. of 1901*, §§ 17 and 170); Ohio (*Bate's Annot. Stat.* §§ 4364-69); Oregon (*Acts of 1903*, § 2); Pennsylvania (*Brightly's Digest*, 1895, p. 902, § 1); Rhode Island (*Gen. Laws 1896*, chap. 64, § 8); Virginia (*Acts of 1897-98*, chap. 53, § 1); Washington (*Stat.*, title 39, § 7287); West Virginia (*Acts of 1901*, chap. 19, § 4); Wisconsin (*Acts of 1899*, chap. 77, § 1); Wyoming (*Acts of 1901*, chap. 33, § 1).



- b) In mercantile establishments only: Alabama (*Code of 1897*, chap. 192, § 5512); Florida (Applies to both males and females. *Acts of 1899*, chap. 4762, § 1); Kansas (*Gen. Stat. 1901*, chap. 549, § 3842); Maryland (*Acts of 1904*, chap. 287, § 147A); South Carolina (*Code of 1902*, chap. 15, § 333); Utah (*Rev. Stat. 1898*, title 36, § 1339).

## II. Toilet facilities, dressing-rooms, etc.

### 1. States which require separate,

- a) Water-closets and dressing-rooms: Delaware (*Acts of 1897*, chap. 452, § 1. Act applies to New Castle County only); Indiana (*Rev. Stat. 1901*, chap. 81, § 7087j); Michigan (*Acts of 1901*, Act No. 113, § 10); Minnesota (*Gen. Stat. 1894*, chap. 24, § 2254); Missouri (*Rev. Stat. of 1899*, chap. 91, § 6440); New Jersey (*Gen. Stat. 1895*, § 34); New York (*Rev. Stat. 1901*, § 88); Ohio (*Bates Annot. Stat.*, §§ 4364-81); Pennsylvania (*Brightly's Digest*, 1895, p. 865, § 19); Rhode Island (*Gen. Stat. 1896*, chap. 64, § 8); West Virginia (*Acts of 1901*, chap. 19, § 3); Wisconsin (*Acts of 1899*, chap. 79, § 7).
- b) Water-closets only: California (*Act of February, 1889*, § 1); District of Columbia (*Acts of 1897-98*, chap. 8, § 9); Iowa (*Code of 1897*, and *Supp. of 1902*, § 4999a); Massachusetts (*Rev. Stat.*, chap. 106, § 47); Tennessee (*Act of 1897*, chap. 98, § 1).

### 2. States in which these requirements apply,

- a) To all kinds of establishments: California (*supra*); Delaware (*supra*); District of Columbia (*supra*); Indiana (*supra*); Iowa (*supra*); Massachusetts (*supra*); Michigan (*supra*); Missouri (*supra*); New Jersey (*supra*); Ohio (*supra*); Pennsylvania (*supra*); Rhode Island (*supra*); Tennessee (*supra*); Wisconsin (*supra*).
- b) To factories and workshops only: Minnesota (*supra*); New York (*supra*); West Virginia (*supra*).

## III. Heating of work-rooms, etc.

In Delaware, in the act which applies to New Castle County, it is the duty of every person or corporation employing female

labor to provide such places for such female employees to work in during cold weather as shall be reasonably and comfortably warm (*Acts of 1897*, chap. 452, § 3).

This same *Act*, § 1, provides for separate lunch-rooms; and washing-sinks for every fifteen female employees.

TABLE D. MISCELLANEOUS LEGISLATION

- I. Earnings of the married woman her separate property.  
Nearly every state and territory, in one form or another, provides that the earnings of a married woman shall be her separate property.
- II. Sex shall be no disqualification for any business, vocation, profession, or calling pursued by men: California (*Constitution*, Art. 20, § 18); Illinois (*Starr & Curtis Annot. Stat.*, chap. 48, § 4; Washington (*Statutes*, title 18, § 3322).
- III. Deductions from wages of women and children prohibited.  
In Massachusetts deductions from the wages of women and children who are paid by day or hour, and are employed in manufacturing and mechanical establishments, for time during which machinery is stopped if said women and minors are refused the privilege of leaving the mill while the damage to said machinery is being repaired; and if such employees are detained in their work-rooms during the time of the breaking down of the machinery, they shall not be compelled to make up the time lost by such breakdown unless they are compensated therefor at the regular rate of wages (*Rev. Laws 1902*, chap. 106, § 69).
- IV. Abusive language.  
In Delaware the law provides that it shall not be lawful for any employer of female labor, or any overseer, superintendent, or foreman, or boss of any such employer of female labor to use toward female employees any abusive, indecent, or profane language, or in any manner to abuse, misuse, unnecessarily expose to hardships, or maltreat any such female employee. Act applies to New Castle County only (*Act of 1897*, chap. 452, § 4).
- V. Employment offices sending females to places of bad repute.  
No employment office shall send or cause to be sent any female help or servants to a place of bad repute, house of ill-fame, or

assignation house, or to a house or place of amusement kept for immoral purposes: Colorado (*Acts of 1891*, § 7); Connecticut (*Gen. Stat. 1902*, chap. 259, § 4608).

VI. Employment of women in basements.

In New York it is enacted that women and children shall not be employed or directed to work in the basements of mercantile establishments, unless permitted by the board of the department of health, or health commissioner of the town, city, or village, where such mercantile establishment is located. Such permission shall be granted unless it appears that such basement is not sufficiently lighted and ventilated and is not in good sanitary condition (*Rev. Stat. of 1901*, p. 2114, § 171).

FRANK P. MIES.

UNIVERSITY OF CHICAGO SETTLEMENT.